

REMARKS/ARGUMENTS

Claims 1, 3, 5-9, 11, 12, and 14-19 are pending in this application. Claims 1, 3, 5-9, 11, 12, and 14-19 stand rejected. By this Amendment, claims 1, 3, 7, and 9 have been amended. The amendments to claims 1, 3, 7, and 9 have been made to improve the form thereof. In light of the amendments and remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Claims 1, 3, 6, 7, 9, 12, and 15-19 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,490,920 ("Netzer"). Applicant traverses this rejection. Among the limitations of amended claim 1 not present in Netzer is

arranging one or more electronic modules on a substrate ... and

soldering a metal cap to metallization onto its substrate to form an encapsulating space, said one or more electronic modules being disposed in said encapsulating space and separated from any fuel or vapor outside said encapsulated space,

wherein no part of the electronic circuit is exposed to any fuel or vapor.

The present application, in Figs 1-4 and as discussed in the associated description, discloses that various electronic modules 20 are arranged on a substrate 22. The modules may be passive or active electronics. A cap 26 is fixed to the ceramic substrate 22 to create an air-tight encapsulation space whereby no fuel or vapor could enter. Thus, all of the elements of the circuit are arranged within the encapsulated space created by the metal cap such that neither of the electronic modules nor any part of the circuitry are exposed to fuel or vapor in the fuel tank.

In contrast, Netzer discloses a capacitive liquid level center having a first and second pattern of conductive capacitive plates on a substrate. As shown in Fig. 6 of Netzer, an enclosure

is provided that protects a portion of the sensor substrate from contact with the liquid. However, the electronic modules or circuits comprising capacitors CC1 or CC2 on the substrate are exposed to the fuel and vapor outside the encapsulated area. Thus, Netzer fails to teach or suggest the explicitly recited limitation that “no part of the electronic circuit is exposed to any fuel or vapor.” Thus, claim 1 and dependent claim 16 are allowable.

Each of the remaining independent claims, specifically claims 3, 7, and 9, have each been amended to explicitly recite, “wherein no part of the electronic circuit is exposed to any fuel or vapour”. As discussed above, the capacitors CC1 and CC2 in Netzer are exposed to the fuel and vapor. Thus, independent claims 3, 7, and 9 and their dependent claims are allowable over Netzer.

Claims 5, 11, and 15 stand rejected under 35 U.S.C. §103(a) as unpatentable over Netzer in view of U.S. Patent No. 5,821,455 ('Yamamoto'). Applicant requests reconsideration and withdrawal of this rejection. Yamamoto was not added to cure the deficiency in Netzer discussed above but for its teaching for its ceramic substrate. However, Yamamoto does not cure the deficiency noted above. Therefore the combination fails to render claims 5, 11, and 15 unpatentable.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested. If the Examiner believes an interview would be of assistance, the Examiner is encouraged to contact the undersigned at the number listed below.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
COHEN PONTANI LIEBERMAN & PAVANE LLP

By /Alfred W. Froebrich/
Alfred W. Froebrich
Reg. No. 38,887
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: September 21, 2009